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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,961	08/02/2001	Yashwanth Kumar Rajaram	OR01-02701	7661

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EXAMINER

WINTER, JOHN M

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 06/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,961

Applicant(s)

RAJARAM, YASHWANTH KUMAR

Examiner

John M Winter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-7,9,12-15,17 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,9 and 17 is/are rejected.
- 7) ☒ Claim(s) 4-8, 12-16 and 19-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claims 1,4-7,9,12-15,17 and 20-23 remain pending.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Response to Arguments

The Applicants arguments filed on May 18, 2004 have been fully considered.

The Applicant states that the claims of the present invention are directed towards a different purpose and are not obvious in view of the prior art.

Examiner responds that as per *Ex parte Clapp*, 227 USPQ 972 (Bd Pat App & Int) "To support conclusion that claimed combination is directed to obvious subject matter, the references must either expressly or impliedly suggest claimed combination or the examiner must present a convincing line of reasoning as to why artisan would have found claimed invention to have been obvious in light of the references teachings.", the Examiner states the reference deals with the generalized problem of conducting secure electronic commerce and therefore would be obvious to a person of ordinary skill in the art.

The applicant states that the prior art reference fails to disclose the claimed feature of validating by the merchant that the financial institution identified by the financial transaction is acceptable involves receiving at the merchant the first certificate and validation that the first certificate was signed by the recognized certificate authority.

The examiner contends that Schneier discloses validating by the merchant that the financial institution identified by the financial transaction is acceptable involves receiving at the merchant the first certificate and validation that the first certificate was signed by the recognized certificate authority, (Page 35, "Signing Documents with Symmetric Cryptosystems and an Arbitrator")

See following rejection.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al., (US Patent No 5,590,197) in view of Franklin et al (US Patent No 6,000,832) and further in view of Schneier (Applied cryptography 2nd edition

As per claim 1,

Chen et al. ('197) discloses a method that facilitates secure electronic commerce, comprising:

providing a consumer with a file of security data relating to an account maintained by a financial institution;(Column 6, lines 12-18[i.e. the cyberwallet])

creating a financial transaction between the consumer and a merchant, wherein the financial transaction is protected using security data from the file, and wherein the financial transaction is structured to contain an account number in a form that is undecipherable by the merchant, thereby prevent the merchant from knowing the account number for the account;(Column 6, lines 33-38 [customer makes an order with merchant, merchant uses public key to encrypt transaction data])

requesting by the merchant that the financial institution authorize the financial transaction;(Column 6, lines 51-54 [..ticket is forwarded to servicer ..])

receiving by the merchant an authorization from the financial institution to complete the financial transaction;(Column 6, lines 55-57 [approval message is sent back])

Chen et al. ('197) does not explicitly disclose validating by the merchant that the financial institution identified by the financial transaction is acceptable using security data from the file; completing the financial transaction between the consumer and the merchant; and notifying the financial institution that the financial transaction is complete. Franklin et al ('832) discloses validating by the merchant that the financial institution identified by the financial transaction is acceptable using security data from the file;(Column 2, lines 47-60) completing the financial transaction between the consumer and the merchant;(Figure 7 [processing system]) and notifying the financial institution that the financial transaction is complete.(Figure 7[transaction number sent back to merchants computer]) It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Chen et al method with the Franklin et al method in order to allow the merchant to realize a profit from the sale of merchandise.

Chen et al. ('197) does not explicitly disclose wherein the file of security data includes: a consumer identifier. a private key for encryption and authentication of data- a first public key related to the private key for decryption and authentication of data an identifier identifying the financial institutions a second public key belonging to the financial institutions the account number that has been encrypted with a key known only to the financial institution creating an encrypted account number, a first certificate supplied by a recognized certificate authority that

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validates the financial institutions a second certificate signed by the financial institution that validates the consumer. And computer algorithms to use the file of security data. Schneier discloses wherein the file of security data includes: a consumer identifier. a private key for encryption and authentication of data a first public key related to the private key for decryption and authentication of data an identifier identifying the financial institutions a second public key belonging to the financial institutions the account number that has been encrypted with a key known only to the financial institution creating an encrypted account number, (Pages 41-44, "Digital signatures with encryption") a first certificate supplied by a recognized certificate authority that validates the financial institutions a second certificate signed by the financial institution that validates the consumer. And computer algorithms to use the file of security data. (Pages 42-434, "Resending the message as a receipt") It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Chen et al method with the Schneier method in order to allow the merchant to realize a profit from the sale of merchandise.

Chen et al. ('197) does not explicitly disclose validating by the merchant that the financial institution identified by the financial transaction is acceptable involves receiving at the merchant the first certificate and validation that the first certificate was signed by the recognized certificate authority. Schneier discloses validating by the merchant that the financial institution identified by the financial transaction is acceptable involves receiving at the merchant the first certificate and validation that the first certificate was signed by the recognized certificate authority, (Page 35, "Signing Documents with Symmetric Cryptosystems and an Arbitrator") It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Chen et al method with the Schneier method in order to allow the merchant to realize a profit from the sale of merchandise.

Chen et al. ('197) does not explicitly disclose the file of security data is provided to the consumer on a smart card. Mandelbaum et al. ('246) discloses the file of security data is provided to the consumer on a smart card (Figure 2 [password file]). It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Chen et al. method with the Mandelbaum et al. ('246 method in order to allow the consumer to have more portability.

Claims 9 and 17 are in parallel with claim 1 and are rejected for at least the same reasons.

Allowable Subject Matter

Claims 4-8, 12-16 and 19-23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific

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limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to John Winter whose telephone number is (571) 272-6713. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Trammell** can be reached at (571) 272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Any response to this action should be mailed to:

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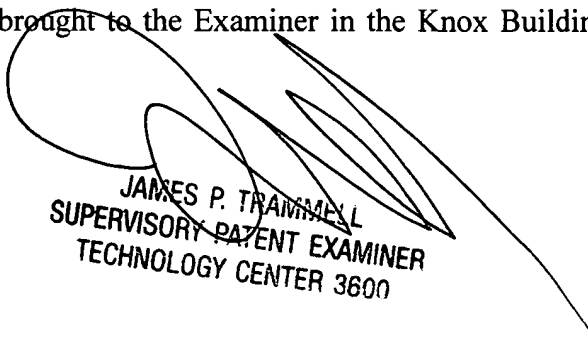
or faxed to:

(703) 305-7687 [Official communications; including After Final communications labeled "Box AF"]

(703) 308-1396 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to the Examiner in the Knox Building, 50 Dulany St. Alexandria, VA.

JMW
May 15, 2005


JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600